



National Disability Insurance Scheme (Variation and Reassessment of Participants' Plans) Rules 2025

I, Amanda Rishworth, Minister for the National Disability Insurance Scheme, make the following rules.

Dated 27.02.2025

Amanda Rishworth
Minister for the National Disability Insurance Scheme

Contents

Part 1—Preliminary	1
1 Name	1
2 Commencement.....	1
3 Authority	1
4 Definitions	1
Part 2—Variations	2
5 Variation of a participant’s plan—conditions that must be satisfied	2
Part 3—Reassessments	4
6 Reassessment of participant’s plan—matters to which the CEO must have regard	4

Part 1—Preliminary

1 Name

This instrument is the *National Disability Insurance Scheme (Variation and Reassessment of Participants' Plans) Rules 2025*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *National Disability Insurance Scheme Act 2013*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) CEO;
- (b) child;
- (c) compensation;
- (d) NDIS support;
- (e) participant;
- (f) plan;
- (g) reassessment date;
- (h) statement of participant supports;
- (i) supports.

In this instrument:

Act means the *National Disability Insurance Scheme Act 2013*.

Part 2—Variations

5 Variation of a participant's plan—conditions that must be satisfied

- (1) This section is made for the purposes of paragraph 47A(1)(b) of the Act.

Conditions to be satisfied – variation of plan's reassessment date

- (2) For a variation covered by paragraph 47A(1A)(a) that is a variation of the plan's reassessment date, it is a condition that the variation will not result in the plan being in effect for more than 5 years without a reassessment.

Conditions to be satisfied – significant change requiring crisis or emergency funding

- (3) For a variation covered by subparagraph 47A(1A)(d)(i), the following conditions must be satisfied:
- (a) the significant change to the participant's support needs includes a significant change to the participant's need for NDIS supports; and
 - (b) the participant's support needs have significantly changed as a result of one or more of the following:
 - (i) a change in the participant's functional capacity;
 - (ii) a change in the participant's informal supports;
 - (iii) a change in the participant's living arrangements; and
 - (c) the significant change to the participant's support needs requires an urgent change to the participant's plan; and
 - (d) one of the following applies in relation to the crisis or emergency funding that the participant requires:
 - (i) the funding is for supports that are required for a specific period of time; or
 - (ii) the funding is for a support that is to be provided on a one-off basis; and
 - (e) the crisis or emergency funding required by the participant is appropriately funded or provided by the NDIS and is not more appropriately funded or provided under another law or program of the Commonwealth or a law or program of a State or Territory.

Note: Subparagraph 47A(1A)(d)(i) provides that the CEO may vary the statement of participant supports included in a participant's old framework plan, or of the funding of supports under the plan, if the CEO is satisfied that the participant requires crisis or emergency funding as a result of a significant change to the participant's support needs.

Conditions to be satisfied – minor variation that results in an increase to the funding of supports under the participant's plan

- (4) This subsection applies to a variation covered by subparagraph 47A(1A)(d)(iv) if that variation will specify an additional reasonable and necessary support in the participant's statement of participant supports.

Note: Subparagraph 47A(1A)(d)(iv) provides that the CEO may vary the statement of participant supports included in a participant's old framework plan, or of the funding of supports under the plan, if the variation is a minor variation that results in an increase to the funding of supports under the participant's plan.

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- (5) For a variation to which subsection (4) applies, the following conditions must be satisfied:
- (a) one of the following applies in relation to the additional reasonable and necessary support to be specified:
 - (i) the support is required for a specific period of time; or
 - (ii) the support is to be provided on a one-off basis; and
 - (b) one or more of the following applies in relation to the additional reasonable and necessary support to be specified:
 - (i) the support is a replacement, or repair or maintenance, of an assistive technology support in the participant's plan or a previous plan (such as a wheelchair or an orthotic);
 - (ii) the support is needed urgently to support the participant's economic participation for a specifically identified period of time;
 - (iii) the support is needed urgently to support capacity building or a life transition over a specified period of time; and
 - (c) for a support to which subparagraph (b)(ii) or (iii) applies—the additional reasonable and necessary support that will be specified in the participant's statement of participant supports is not substantially the same as, or does not produce substantially the same outcome as, any other reasonable and necessary support currently specified in that statement.
- (6) This subsection applies to a variation covered by subparagraph 47A(1A)(d)(iv) if:
- (a) the variation will increase the funding for a reasonable and necessary support that is specifically identified in the participant's statement of participant supports; and
 - (b) the specifically identified support is described as:
 - (i) home modification design and constructions;
 - (ii) vehicle modifications;
 - (iii) assistive technology.

Note: Subparagraph 47A(1A)(d)(iv) provides that the CEO may vary the statement of participant supports included in a participant's old framework plan, or the funding of supports under the plan, if the variation is a minor variation that results in an increase to the funding of supports under the participant's plan.

- (7) For a variation to which subsection (6) applies, it is a condition that the participant requires additional funding for the support as a result of one or more of the following circumstances:
- (a) the support is no longer reasonably available to the participant within the amount of funding currently specified in the participant's statement of participant supports;
 - (b) the manner in which the support was anticipated to be provided under the participant's plan is no longer reasonably available to the participant;
 - (c) provision of the support requires additional information (including assessments and quotations), services or materials that were not anticipated when the support was included in the participant's statement of participant supports.

Part 3—Reassessments

6 Reassessment of participant’s plan—matters to which the CEO must have regard

- (1) This section is made for the purposes of subsection 48(5) of the Act.
- (2) The CEO must have regard to each of the matters mentioned in subsection (3) in doing either of the following things:
 - (a) deciding whether to conduct a reassessment of a participant’s plan on the CEO’s own initiative under subsection 48(1) of the Act;
 - (b) making a decision under subsection 48(3) on a request of a participant to reassess the participant’s plan.

Note: Subsection 48(3) provides that if a participant requests a reassessment of the participant’s plan, the CEO must before the end of the period of 21 days beginning on the day the CEO receives the request:

- (a) make a decision that the plan needs to be varied under subsection 47A(1); or
 - (b) make a decision that the plan needs to be reassessed; or
 - (c) make a decision not to conduct a reassessment of the plan.
- (3) The matters to which the CEO must have regard are as follows:
 - (a) whether the participant’s need for NDIS supports has significantly changed as a result of one or more of the following:
 - (i) a change in the participant’s functional capacity;
 - (ii) a change in the participant’s informal supports;
 - (iii) a change in the participant’s living arrangements;
 - (iv) a major life stage change or transition, including starting or leaving school, tertiary education or employment;
 - (b) whether there has been a change to the participant’s entitlement to compensation, or a change in the participant’s entitlement to supports in respect of personal injury under a scheme of insurance, or under a Commonwealth, State or Territory law;
 - (c) when the CEO would next be required to conduct a reassessment of the participant’s plan, in accordance with the plan’s reassessment date;
 - (d) any matters raised by the participant that the CEO considers relevant;
 - (e) any other matters that the CEO considers relevant.